

JANUARY 20, 2009

THE DIRECTOR OF THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION TOOK FORMAL ACTION ON JANUARY 20, 2009, IN THE TRUST LANDS ADMINISTRATION OFFICE, 675 EAST 500 SOUTH, SUITE 500, SALT LAKE CITY, UTAH 84102-2818, ON THE MINERAL, SURFACE, DEVELOPMENT, AND FEE WAIVER BUSINESS MATTERS AS INDICATED AND WHICH BECOME EFFECTIVE AT 6:00 P.M. ON JANUARY 20, 2009.

THESE MINUTES INCLUDE MINERAL ACTIONS AS LISTED ON PAGES 1 TO 3; SURFACE ACTIONS AS LISTED ON PAGES 4 TO 23; DEVELOPMENT ACTIONS AS LISTED ON PAGES 24 TO 29; AND ACTIONS CONTAINING FEE WAIVERS AS LISTED ON PAGE 29.

THESE MINUTES ARE DEEMED THE FINAL AGENCY ACTION CONCERNING THESE MATTERS AND ARE SUBJECT TO REVIEW AND/OR ADJUDICATION PURSUANT TO R850-8 OF THE AGENCY'S RULES. ANY APPEAL OF MATTERS CONTAINED WITHIN THESE MINUTES MUST BE IN WRITING, PURSUANT TO R850-8-1000, AND MUST BE RECEIVED BY THE OFFICE OF THE DIRECTOR BY 6:00 P.M. ON TUESDAY, FEBRUARY 3, 2009. APPEALS NOT FILED BY THAT TIME WILL BE CONSIDERED UNACCEPTABLE AND THE MATTERS WILL BE UNAPPEALABLE.

  
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KEVIN S. CARTER, DIRECTOR  
SCHOOL AND INSTITUTIONAL  
TRUST LANDS ADMINISTRATION  
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LESLIE M. WARNER, RECORDS OFFICER

ARCHIVES APPROVAL NO. 7990209

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## MINERAL ACTIONS

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### **MATERIALS PERMIT NO. 296 OVER-THE-COUNTER SAND AND GRAVEL (EXPIRATION)**

The above-referenced materials permit to mine common sand and gravel on trust lands was issued to Harper Contracting, Inc., P.O. Box 18400, Kearns, UT 84118.

#### AFFECTED LANDS:

Township 3 North, Range 18 East, SLB&M.

Section 26: NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>

COUNTY: Daggett

ACRES: 50.0±

FUND: SCH

The above-referenced materials permit expired effective November 30, 2008, and should be shown as expired on all Trust Lands Administration records.

*This item was submitted by Mr. Tom Faddies for record-keeping purposes only.*

### **METALLIFEROUS MINERAL LEASE APPROVAL**

Upon recommendation of Mr. Stokes, the Director approved the Metalliferous Minerals lease application listed below at a minimum annual rental rate of \$500 per lease or \$1 per acre, whichever is greater. The production royalty, as provided in the lease form, approved by the Director of the Trust Lands Administration, is 8% for fissionable minerals and 4% for non-fissionable minerals - based on the gross value of the ore. The land status has been examined utilizing both the plat books and the business system and the lands were found to be open and available. The application has been checked for completeness and found to be in proper order. The business system and plat books have been updated to show the lease application as an existing contract on the lands described below:

ML 51574

Denison Colorado Plateau, LLC  
1050 17<sup>th</sup> Street, Suite 950  
Denver, CO 80265

T31S, R25E, SLB&M.

SEC. 32: NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>

San Juan  
480.00 Acres

Annual Rental: \$500

FUND: SCH

**ABANDONMENT OF UNPATENTED PLACER MINING CLAIMS, SANDY WASH NO'S. 1, 2, 3, 4 -- FILE ML 48705-MC AND UNPATENTED LODE MINING CLAIMS, SILVERANIUM NOS. 11, 12, 13, 14, 15, 16, 19, AND 22 -- FILE ML 48706-MC (SCH)**

Sandy Nell, claimant of record, failed to submit the annual Notice of Intent to Hold and pay the annual filing fees for the above-referenced unpatented mining claims on or before December 31, 2008, as required under Utah Code Annotated §53C-2-104. As a result, the referenced unpatented mining claims are deemed abandoned as a matter-of-law and rendered null and void.

The subject mining claims were located on lands which were conveyed by the United States to the State of Utah by Patent No's. 43-2001-0005 thru 43-2001-0023. The exchange of lands between the United States and the State of Utah is in accordance with the Utah West Desert Exchange Act of 2000, Public Law 106-301. The Trust Lands Administration accepted these lands subject to valid existing rights (e.g., mining claims), so long as such rights were maintained in accordance with applicable law. By letter dated February 14, 2001, notice was provided to the mining claimant regarding the filing requirements of the Trust Lands Administration. Specifically, Utah Code Annotated §53C-2-104 requires the holder of a mining claim on trust lands to annually file with the Agency, on or before December 31<sup>st</sup> of each year, a Notice of Intent To Hold, which sets forth the name(s) of the mining claim and the claimant's intention to either hold or abandon the claim and to submit an annual filing fee for each mining claim. Pursuant to Utah Code Annotated §53C-2-104(5)(a), failure to file such annual notice on or before December 31<sup>st</sup> of each year, and pay the annual filing fee, is deemed to constitute an abandonment of the claim by the owner as a matter-of-law.

The records of the Trust Lands Administration should note that Unpatented Placer Mining Claims, Sandy Wash No's. 1, 2, 3, 4 -- file ML 48705-MC, and Unpatented Lode Mining Claims, Silveranium No's. 11, 12, 13, 14, 15, 16, 19, and 22 -- file ML 48706-MC, are abandoned and rendered null and void as of January 1, 2009.

*This item is submitted by Mr. Stokes for record-keeping purposes only.*

**AMENDMENT OF GEOTHERMAL LEASE - ML 48433 (SCH)**

Through inventory of our lands, it has been found that the county in the above-numbered lease was in error. The lease was issued as follows (affected county is bolded and italicized):

T26S, R7W, SLB&M.

SEC. 1: S½NE¼, N½SE¼, SW¼SE¼

200.00 acres, m/l

***BEAVER COUNTY***

**CORRECTED LEGAL DESCRIPTION:**

T26S, R7W, SLB&M.

SEC. 1: S½NE¼, N½SE¼, SW¼SE¼

200.00 acres, m/l

***BEAVER AND MILLARD COUNTIES***

The parties have agreed that there will be no retroactive refunds or charges to lessee for incorrect descriptions resulting in overpayment or underpayment of rentals. However, any changes to delay rental amounts will be effective immediately and corrected amounts will be due commencing on the next ensuing anniversary date of the lease following the effective date of this amendment and will continue at that rate so long as the lease remains valid and in full force and effect unless the Record Title Lessee is notified otherwise by TLA.

**AMENDMENT OF GEOTHERMAL LEASE - ML 48433 (SCH) (CONTINUED)**

The lease and all other of its terms and conditions remain in full force and effect and are ratified hereby. To the extent necessary to effectuate the intent of the parties stated herein, this amendment shall be deemed to contain present words of grant.

This amendment has been agreed to and executed by the current lessee of record, Cove Fort Geothermal, LLC, 730 Sandhill Rd., Suite 250, Reno, NV 89521.

Upon recommendation of Mr. Stokes, the Director approved the above amendment as listed.

**AMENDMENT OF OIL, GAS, AND HYDROCARBON LEASES - ML 48143 AND ML 48144(SCH)**

This office has reviewed material provided by lessee, Liberty Pioneer Energy Source, Inc., and based on the information provided (unforeseen problems in gaining access to the locations across BLM lands), lease continuations are justified. Therefore, lessee agrees to modify the leases as herein set forth below.

**WHEREAS**, State of Utah Oil, Gas & Hydrocarbon Lease ML 48143 and ML 41844 covering the following described lands located in GRAND County, Utah:

<b><u>ML 48143:</u></b>	<u>T22S, R17E, SLB&amp;M.</u>	693.12 ACRES
	SEC. 2: LOTS 1, 2, 3, 4, S½N½, S½ [ALL]	
<b><u>ML 48144:</u></b>	<u>T22S, R17E, SLB&amp;M.</u>	640.00 ACRES
	SEC. 16: ALL	

(the "Leases") were issued DECEMBER 16, 1998, TLA administers the Leases on behalf of the State of Utah; and

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, TLA and Record Title Lessee hereby amend the Leases as follows:

1. The royalty will be increased from 12.5% to 13.5% effective November 18, 2008.
2. The expiration date will be continued from midnight December 31, 2008, to midnight, June 30, 2009.

The Leases and all other of its terms and conditions remain in full force and effect and are ratified hereby. To the extent necessary to effectuate the intent of the parties stated herein, this amendment shall be deemed to contain present words of grant.

These amendments have been agreed to by the current lessee of record, Twilight Resources, LLC, 1411 East 8430 North, Orem, UT 84097.

Upon recommendation of Ms. Garrison, the Director approved the above amendments as listed.

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**S U R F A C E   A C T I O N S**

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**GRAZING PERMITS**

**GRAZING PERMIT NO. 22303-08 (APPROVAL)**

Kelly J. Johnson  
P.O. Box 54  
Redmond, UT 84652

40.00 Acres                      School Fund                      Sevier County

First year's rental:        \$68.40  
Application fee:            \$50.00  
Weed fee:                    \$ 1.80

Township 21 South, Range 1 West, SLB&M

Section 2: NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>

The term of this permit begins July 1, 2008, and expires April 30, 2023. The season of use is Jan 1 - March 31, for cattle and sheep. The permit term is 15 years.

Upon recommendation of Mr. Ron Torgerson, the Director approved Grazing Permit No. 22303-08.

**GRAZING PERMIT NOS. 22922-08 AND 23299 (PARTIAL ASSIGNMENT OF GP 22922-08 AND CREATION OF GP 23299)**

Kent Murdock, 153 N. 3000 W., Mapleton, UT 84664, has requested the Trust Lands Administration's permission to assign a portion of GP 22922-08 to Johnson Mountain Ranch LLC, P.O. Box 275, Aurora, UT 84620. In order to facilitate the assignment, a new grazing permit, GP 23299, will be created. The following lands are being assigned:

T24S, R11E, SLB&M

Sec. 36: E2	320.00 Acres	1.0 AUM
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T24S, R12E, SLB&M

Sec. 32: All	640.00 Acres	1.0 AUM
Sec. 36: All	640.00 Acres	37.0 AUMs

T25S, R11E, SLB&M

Sec. 2: All	639.44 Acres	1.0 AUM
Sec. 16: All	640.00 Acres	1.0 AUM
Sec. 32: All	640.00 Acres	17.9 AUMs
Sec. 36: All	640.00 Acres	35.5 AUMs

**GRAZING PERMIT NOS. 22922-08 AND 23299 (PARTIAL ASSIGNMENT OF GP 22922-08 AND CREATION OF GP 23299) (CONTINUED)**

**T25S, R12E, SLB&M**

Sec. 2: All	687.88 Acres	35.4 AUM
Sec. 32: All	640.00 Acres	23.9 AUMs

GP 22922-08 will now contain 10,527.72 acres and 470.30 AUMs. GP 23299 will contain 5,487.32 acres and 153.7 AUMs.

The expiration date of June 30, 2023, will apply to both permits.

The assignment fee in the amount of \$153.70 has been submitted and receipted under GP 22922-08. The rental and weed fees have been paid for the 2008-2009 season on the lands involved in the assignment. Emery County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial assignment of GP 22922-08 and the creation of GP 23299.

**GRAZING PERMIT NOS. 22922-08 AND 23300 (PARTIAL ASSIGNMENT OF GP 22922-08 AND CREATION OF GP 23300)**

Kent Murdock, 153 N. 3000 W., Mapleton, UT 84664, has requested the Trust Lands Administration's permission to assign a portion of GP 22922-08 to Steven G. Smith, 9200 W. 8570 N., Lehi, UT 84043. In order to facilitate the assignment, a new grazing permit, GP 23300, will be created. The following lands are being assigned:

**T24S, R13E, SLB&M**

Sec. 32: All	640.00 Acres	45.00 AUMs
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**T25S, R12E, SLB&M**

Sec. 36: All	640.00 Acres	45.00 AUMs
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**T25S, R13E, SLB&M**

Sec. 2: S2	345.00 Acres	21.85 AUMs
Sec. 16: All	640.00 Acres	45.00 AUMs
Sec. 32: All	640.00 Acres	45.00 AUMs

GP 22922-08 will now contain 7,622.72 acres and 268.45 AUMs. GP 23300 will contain 2,905 acres and 201.85 AUMs.

The expiration date of June 30, 2023, will apply to both permits.

The assignment fee in the amount of \$201.85 has been submitted and receipted under GP 22922-08. The rental and weed fees have been paid for the 2008-2009 season on the lands involved in the assignment. Emery County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the partial assignment of GP 22922-08 and the creation of GP 23300.

**GRAZING PERMIT NO. 23037 (ASSIGNMENT)**

Stuart and Jared Johnson, 115 E. Center, Aurora, UT 84620, have requested the Trust Lands Administration's permission to assign 100% interest in the above referenced grazing permit to Scott Gurney, P.O. Box 346, Aurora, UT 84620. The assignment fee in the amount of \$165.00 has been submitted. Emery County. School Fund.

Upon recommendation of Mr. Ron Torgerson, the Director approved the assignment of GP 23037.

**GRAZING PERMIT NO. 22448-J (PARTIAL NON-USE AND CREDIT OF FEES)**

William R. Talbot, Box 575, Greenwich, UT 84732, has requested 44.7% non-use (200 AUMs), due to too much winter snow on the Cedar Grove Allotment during the 2008-2009 winter grazing season. This grazing permit is located on Parker Mountain with few BLM lands involved. Trust Lands' staff has verified these snowy conditions. Mr. Talbot would like a credit for 200 AUMs (\$1,220.00 - \$20.00 non-use fee = \$1,200.00) on his next year's bill. The \$20.00 non-use fee will be deducted from the credit. Piute and Wayne Counties. School Fund.

Upon recommendation of Mr. Torgerson, the Director approved the partial non-use and credit of fees for GP 22448-J.

**RANGE IMPROVEMENT PROJECTS****RANGE IMPROVEMENT PROJECT NO. 337****APPLICANT'S NAME AND ADDRESS:**

Division of Wildlife Resources  
1594 W. North Temple  
Salt Lake City, UT 84116

**LEGAL DESCRIPTION OF LANDS DIRECTLY AFFECTED:**

T13S, R24E, SLB&M

Section 32: SW¼ (Within) ~21 acres

COUNTY: Uintah

FUND: School

**REQUESTED/PROPOSED ACTION:**

The applicant proposes to treat 21 acres of trust land to control cheatgrass. The site will be sprayed with chemical to kill the cheatgrass seed. The site will then have a diverse variety of grass and forbs seed applied by drill. This is part of a larger project taking place on the adjacent BLM lands. The purpose of the project is to reduce cheatgrass, to increase soil stability, and increase forage species.

**RELEVANT FACTUAL BACKGROUND:**

The applicant submitted a proposal for this range improvement project on June 5, 2008.

The proposal was submitted to the Resource Development Coordinating Committee ("RDCC") for review. RDCC responded, "[t]he State Planning Coordinator's Office has reviewed this proposal and has not received any comments..." Uintah County sent a letter stating that they were supportive of the proposed action and requested that the increased dust during the implementation be kept to a minimum.

**RANGE IMPROVEMENT PROJECT NO. 337 (CONTINUED)**

A search of Agency records was made to determine the status of the area involved. The grazing permit of record is GP 20662 (Alameda Corp.), which is in support of the project. There is one mineral lease and one other range improvement project within the project area; however, due to the nature of the project, these will not be affected.

Project cost on trust lands is valued at \$3,518 (\$167.00/ acre). Because the applicant is not the permittee of record, the project will not be eligible for amortization. Note: The life of the project (the benefit) is 20 years.

**EVALUATION OF THE FACTS:**

This range improvement is in compliance with R850-50-1100(5)(a) and (b). The project does enhance the value of the resources pursuant to R850-50-1100(5)(c).

Upon recommendation of Mr. Scott Chamberlain, the Director approved Range Improvement Project No. 337. This summary will constitute the Record of Decision.

**RANGE IMPROVEMENT PROJECT NO. 204 (CANCELLATION)**

Range Improvement Project No. 204 in the name of Utah Division of Wildlife Resources, ("UDWR") 154 East 100 North Vernal, UT 84078, is being canceled. The project was approved July 16, 2004. The project was to conduct a prescribed burn on Moon Ridge; however, due to other activities on the ground, the project was unable to be completed and UDWR has no future plans to do the project.

Based on the above information and upon recommendation of Mr. Scott Chamberlain, the Director approved the cancellation of Range Improvement Project No. 204.

**RIGHTS OF ENTRY****RIGHT OF ENTRY NO. 5272**

On January 5, 2009, Mr. Lou Brown, pursuant to R850-41-200, and in accordance with direction and delegation of authority, approved the request of Tri State ATV Club, c/o Dale Grange, 224 South 1515 West, Hurricane, UT 84737, to occupy the following described trust land located within Washington and Kane Counties for an ATV Jamboree.

T39S, R19W, SLB&M

Section 36: Within

T40S, R12W, SLB&M

Section 36: Within

T40S, R17W, SLB&M

Section 16: Within

T40S, R18W, SLB&M

Section 32: Within



**RIGHT OF ENTRY NO. 5272 (CONTINUED)**

T40S, R19W, SLB&M

Section 2: Within

Section 16: Within

T41S, R6W, SLB&M

Section 2: Within

Section 16: Within

T41S, R8W, SLB&M

Section 36: Within

T41S, R12W, SLB&M

Section 2: Within

Section 4: Within

Section 9: Within

Section 16: Within

T41S, R19W, SLB&M

Section 16: Within

T41S, R20W, SLB&M

Section 2: Within

T42S, R6W, SLB&M

Section 2: Within

Section 36: Within

T42S, R7W, SLB&M

Section 16: Within

Section 32: Within

T42S, R8W, SLB&M

Section 16: Within

Section 32: Within

T42S, R12W, SLB&M

Section 2: Within

Section 16: Within

Section 32: Within

T42S, R13W, SLB&M

Section 2: Within

Section 36: Within

T42S, R14W, SLB&M

Section 32: Within

Section 36: Within

**RIGHT OF ENTRY NO. 5272 (CONTINUED)**

T42S, R17W, SLB&M

Section 32: Within

Section 36: Within

T42S, R18W, SLB&M

Section 16: Within

Section 32: Within

T42S, R19W, SLB&M

Section 16: Within

Section 32: Within

T42S, R20W, SLB&M

Section 36: Within

T43S, R6W, SLB&M

Section 2: Within

Section 16: Within

T43S, R7W, SLB&M

Section 16: Within

T43S, R8W, SLB&M

Section 2: Within

Section 36: Within

T43S, R12W, SLB&M

Section 2: Within

Section 16: Within

T43S, R13W, SLB&M

Section 2: Within

Section 16: Within

Section 32: Within

T43S, R14W, SLB&M

Section 16: Within

T43S, R16W, SLB&M

Section 10: Within

Section 15: Within

Section 16: Within

T43S, R17W, SLB&M

Section 2: Within

Section 16: Within

**RIGHT OF ENTRY NO. 5272 (CONTINUED)**T43S, R19W, SLB&M

Section 16: Within

This event will consist of guided ATV rides of 20 to 30 participants on each ride for a three-day period. Beginning date: March 12, 2009. Expiration date: March 14, 2009. All rides will be on existing roads and routes.

The fee for this right of entry is \$200.00 plus a \$50.00 application fee and \$50.00 processing fee, totaling \$300.00. School Fund. Washington & Kane Counties.

*This item was submitted by Mr. Lou Brown for record-keeping purposes.*

**EASEMENTS****EASEMENT NO. 1338 AMENDMENT NO. 1 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Garkane Energy Cooperative, Inc.  
120 West 300 South  
P.O. Box 465  
Loa, Utah 84747

**LEGAL DESCRIPTION:**Township 37 South, Range 5 West, SLB&M

Section 6: S½SE¼ (within)

Section 7: W½NE¼, NW¼SE¼, E½SW¼ (within)

Section 18: Lots 1, 2, 4, E½NW¼ (within)

Section 19: Lots 1-4 (within)

Township 37 South, Range 6 West, SLB&M

Section 25: E½NE¼, N½SE¼, SW¼SE¼, SE¼SW¼ (within)

Description A: A strip of land 100 feet wide. The side of the easement extends around corners and ends so as not to have any gaps. The strip of land is defined by a centerline described by a point of ingress "A" which bears N 39°20' W 1763 feet from the southeast corner of Section 6, T37S, R5W, SLB&M; thence S 00°41' E 479 feet; thence S 22°22' W 8648 feet; thence S 01°19' W 654 feet to the point of egress "A" which bears S 19°35' E 2831 feet from the northwest corner of Section 18, T37S, R5W, SLB&M. Containing 22.45 acres more or less.

Description B: A strip of land 100 feet wide. The side of the easement extends around corners and ends so as not to have any gaps. The strip of land is defined by a centerline described by a point of ingress "B" which bears N 34°45' E 1585 feet from the southwest corner of Section 18, T37S, R5W, SLB&M; thence S 01°19' W 1314 feet; thence S 10°02' W 5256 feet; thence S 22°33' W 3495 feet; thence S 44°08' W 716 feet; thence S 66°21' W 1374 feet; thence S 41°42' W 1394 feet to the point of egress "B" which bears S 89°41' E 1357 feet from the southwest corner of Section 25, T37S, R6W, SLB&M. Containing 31.10 acres more or less.

COUNTIES: Garfield

ACRES: 53.55

FUND: School

**EASEMENT NO. 1338 AMENDMENT NO. 1 (APPROVAL) (CONTINUED)****PROPOSED ACTION:**

The grantee proposes to amend Easement No. 1338 in order to alter the alignment of the previously approved overhead power transmission line. Due to environmental issues on adjacent private lands, the grantee now needs to adjust the southernmost leg of their planned power line corridor on trust lands. The power transmission line has not yet been built. The proposed amendment will turn the southernmost leg of the alignment on trust lands an additional 25 degrees to the south and add approximately 340 feet to the corridor. The grantee has also discovered an error in the legal description as written in the original easement that will be addressed by this amendment. Fixing this error will add another 200 feet to the corridor, in addition to the 340 feet indicated above. The amendment easement corridor will be 23,330 feet long and 100 feet wide, containing 53.55 acres. The term of the easement will remain 30 years, expiring on June 30, 2038.

**RELEVANT FACTUAL BACKGROUND:**

Easement No. 1338 was issued effective July 1, 2008, to construct, operate, repair, and maintain an overhead power transmission line. The transmission line is needed to connect the town of Hatch to the Todd's Substation near Highway 89 and Highway 14 and will expand the electrical transmission capacity of the area. The term of the easement is 30 years, with an expiration date of June 30, 2038.

The proposed amendment was submitted for review by the Resource Development Coordinating Committee ("RDCC") on November 20, 2008. No comments were received by the Trust Lands Administration.

The amended easement corridor has been surveyed for cultural resources by McFadden Archaeological Consulting (U-08-MX-0851s). One non-eligible site was identified within the revised easement area, along with a total of three significant sites that were previously identified within the remainder of the project area. The significant sites will be avoided by all construction activities. Based upon avoidance of the significant sites, cultural resource clearance has been granted with a finding of "No Historic Properties Affected."

**EVALUATION OF FACTS:**

1. The proposed easement amendment is not located entirely on trust lands.
2. The term of the easement will not be affected and remains at 30 years from the effective date of the original easement.
3. The applicant has paid the School and Institutional Trust Lands Administration the \$400.00 amendment fee required pursuant to R850-4-200.
4. The applicant has paid the School and Institutional Trust Lands Administration an additional easement fee in the amount of \$208.00 as required pursuant to R850-40-600.
5. The proposed easement amendment will not have an unreasonably adverse affect on the developability or marketability of the subject property.

This action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Chris Fausett, the Director approved Easement No. 1338, Amendment No. 1. The required \$400.00 amendment fee and \$208.00 easement fee have been paid.

**EASEMENT NO. 1445 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Kerr McGee Oil and Gas Onshore, LP  
c/o Anadarko Petroleum Corporation  
P.O. Box 173779  
Denver, Colorado 80217-3779

**LEGAL DESCRIPTION:**

Township 9 South, Range 21 East, SLB&M  
Section 36: SW $\frac{1}{4}$ NW $\frac{1}{4}$  (within)

A 30 foot wide easement, 15 feet on each side of the following described centerline:

Beginning at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, T9S, R21E, SLB&M, which bears S 41°36'55" E 1844.68 feet from the northwest corner of said Section 36; thence N 86°40'54" W 129.01 feet; thence N 87°52'38" W 14.12 feet; thence S 02°53'35" W 4.20 feet to a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 36, which bears S 38°11'33" E 1749.91 feet from the northeast corner of said Section 36. The side lines of said described easement being shortened or elongated to meet the Grantor's property lines. Basis of bearings is a G.P.S. observation. Contains 0.101 acres more or less.

COUNTY: Uintah

ACRES: 0.101

FUND: School

**PROPOSED ACTION:**

The applicant requests an easement to construct, operate, repair, and maintain a 12-inch diameter buried natural gas pipeline. The proposed pipeline will connect an existing 16-inch pipeline to the Morgan State Compressor facility. The proposed easement corridor is 147.33 feet long and 30 feet wide, containing 0.101 acres. The term of the easement will be 30 years.

**RELEVANT FACTUAL BACKGROUND:**

The Resource Development Coordinating Committee ("RDCC") review was initiated on October 29, 2008. Comments were received from the Department of Environmental Quality/Division of Air Quality, the Utah Geological Survey, and the Uintah County Commission as follows:

**Department of Environmental Quality/Division of Air Quality:**

*"This proposal will not require a permit. However, if any "non-permitted" rock crushing plants, asphalt plants, or concrete batch plants are located at the site, an Approval Order from the Executive Secretary of the Air Quality Board will be required for operation of the equipment, including all equipment not permitted in Utah. A permit application, known as a Notice of Intent (NOI), should be submitted to the Executive Secretary at the Utah Division of Air Quality at 150 North, 1950 West, Salt Lake City, Utah, 84116, for review according to R307-401: Permit: Notice of Intent and Approval Order, of the Utah Air Quality Rules. The guidelines for preparing a NOI are available on-line at: <http://www.airquality.utah.gov/Permits/FORMS/NOIGuide8.pdf>*

*"The proposed project, in Uintah County, is subject to R307-205-5, Fugitive Dust, of the Utah Air Quality Rules, due to the fugitive dust that is generated during the excavating phases of the project. These rules apply to construction activities that disturb an area greater than  $\frac{1}{4}$  acre in size. A permit, known as an Approval Order, is not required from the Executive Secretary of the Air Quality Board, but steps need to be taken to minimize fugitive dust, such as watering and/or chemical stabilization, providing vegetative or synthetic cover, or windbreaks. A copy of the rules may be found at: [www.rules.utah.gov/public/code/r307/r307.htm](http://www.rules.utah.gov/public/code/r307/r307.htm)."*

**EASEMENT NO. 1445 (APPROVAL) (CONTINUED)****Utah Geological Survey:**

*"Although there are no paleontological localities recorded in our files for this project area, the Eocene Duchesne River Formation exposed here has the potential for yielding significant vertebrate fossil localities. The Office of the State Paleontologist, therefore, recommends a paleontological survey be conducted for this project by a paleontologist with a valid permit."*

**Uintah County Commission:**

*"Thank you for the opportunity to comment on the construction, operation, repair, and maintenance, by Kerr McGee Oil and Gas Onshore, LP, of a 12-inch diameter buried natural gas pipeline located in T9S, R21E, Sec. 36: SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (within) in Uintah County. The proposed pipeline would connect an existing 16-inch pipeline to the Morgan State Compressor Station. The proposed pipeline corridor is 147.33 feet long and 30 feet wide, containing 0.101 acres.*

*"Uintah County supports this action, keeping ground disturbance, increase in traffic, equipment, dust, and noise emissions during construction, excavation, and installation of the pipeline at a minimum.*

*"We ask that Kerr McGee Oil and Gas Onshore, LP contact Uintah County's Planning & Zoning Department for the necessary county permits and the Uintah County Road Department for permits and regulations.*

*"We have no further comment at this time but reserve the right to comment at a later date, if warranted."*

The applicant has been notified of the comments provided by the RDCC. The comments submitted by the Department of Environmental Quality/Division of Air Quality are addressed within Paragraph 13 of the easement agreement.

Pursuant to the comments received from the Utah Geological Survey, the proposed easement corridor has been surveyed for paleontological resources by Intermountain Paleo-Consulting (Report No. 08-222). No significant vertebrate fossils were discovered within the project area; therefore, it was recommended that no paleontological restrictions be placed on the project. If any fossils are discovered during construction, a qualified paleontologist should be notified to evaluate the discovery.

The project area has been surveyed for cultural resources by Montgomery Archaeological Consultants (U-05-MQ-1464). No cultural resources were identified during this survey. The Trust Lands Administration's staff archaeologist has reviewed this survey and has granted archaeological clearance with a finding of "Historic Properties Not Affected."

In order to protect the potential for the future extraction of oil shale from the lands underlying the easement corridor, a relocation clause will be included in the easement agreement.

**EVALUATION OF FACTS:**

1. The proposed easement is located entirely on trust lands.
2. The proposed easement term is for a period of 30 years.
3. The applicant has paid the School and Institutional Trust Lands Administration the fees as determined pursuant to R850-40-600.
4. The proposed easement will not have an unreasonably adverse affect on the developability or marketability of the subject property.

**EASEMENT NO. 1445 (APPROVAL) (CONTINUED)**

The action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Chris Fausett, the Director approved Easement No. 1445 for a term of 30 years beginning January 1, 2009, and expiring December 31, 2038, with the easement fee being \$200.00 plus the \$750.00 application fee. The administrative fee required pursuant to R850-40-1800 has been paid in a one-time payment of \$1,000.00

**EASEMENT NO. 599 AND EASEMENT NO. 608 (NAME CHANGE)**

This office has received notification from WilTel Communications, LLC that the name and address for billing/invoicing purposes for the above referenced contracts should be changed from Williams Communications, LLC to WilTel Communications, LLC, c/o Level 3 Communications, Attn: Contract Management, 1025 Eldorado Blvd., Broomfield, Colorado, 80021. A copy of the certificate of amendment changing the name to WilTel Communications, LLC has been provided to the Trust Lands Administration. A \$15.00 name change fee for each instrument has been paid for a total of \$30.00. Beaver, Iron, and Tooele Counties. School Fund.

*This item submitted by Mr. Chris Fausett for record-keeping purposes.*

**EASEMENT NO. 913 (ASSIGNMENT)**

Cannon Livestock Co., Inc., 215 East Main, P.O. Box 206, Circleville, Utah, 84723, has requested permission to assign 100% of its interest in Easement No. 913 to Jordan W. Hatch and Randy Larsen, P.O. Box 858, Huntington, Utah, 84528. Easement No. 913 was originally issued by the Bureau of Land Management ("BLM") as UTU-69512 on December 18, 1992, for a water pipeline and related facilities. The right of way was issued for a term of 30 years, with the expiration date being December 17, 2022. A portion of the right of way was transferred to the Trust Lands Administration on January 19, 2001, through the West Desert Exchange. The portion of the right of way that was transferred to the Trust Lands Administration was assigned the reference number Easement No. 913.

The required \$250.00 assignment fee has been paid. The expiration date remains December 17, 2022. As a condition of the assignment, the assignee will be required to execute the current version of the Trust Lands Administration's Easement Form, which will replace the existing BLM right of way grant. Beaver County. School Fund.

Upon recommendation of Mr. Chris Fausett, the Director approved the assignment of Easement No. 913.

**SPECIAL USE LEASE AGREEMENTS****SPECIAL USE LEASE AGREEMENT NO. 1616 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Kerr-McGee Oil & Gas Onshore LP  
 1368 South 1200 East  
 Vernal, Utah 84078

APPLICATION TYPE: INDUSTRIAL

TERMS: 10 years

BEGINNING DATE: January 1, 2009

ENDING DATE: December 31, 2018

NEXT REVIEW DATE: January 1, 2014

FIRST YEAR RENTAL: \$2,000.00

APPLICATION FEE: 250.00

PROCESSING FEE: 700.00

ADVERTISING FEE: 130.50

TOTAL SUBMITTED: \$3,080.50

**LEGAL DESCRIPTION:**

Township 10 South, Range 21 East, SLB&M  
 Section 2: NW1/4 (within)

Beginning at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, T10S, R21E, SLB&M, which bears N 63°37'33" E 1191.90 ft from the West Quarter Corner of said Section 2; thence N 45°17'41" W 127.70 ft; thence N 44°43'19" E 280.00 ft; thence S 45°17'41" E 310.00 ft; thence S 44°43'19" W 280.00 ft; thence N 45°17'41" W 182.30 ft to the point of beginning. Basis of bearings is a G.P.S. observation. Contains 1.993 acres, more or less.

COUNTY: Uintah

ACRES: 1.99

FUND: School

**PROPOSED ACTION:**

The applicant proposes to construct, operate, and maintain an oil field storage yard. The yard will be used to store chemicals, pipe, pipe fittings, flow back equipment, and other machinery while operations continue in the Natural Buttes, Love, and Bonanza areas.

**RELEVANT FACTUAL BACKGROUND:**

The proposed project will consist of the storage area which will be fenced but will not be locked due to high traffic of contractors to and from the site. The chemicals on site will be protected by a berm and signs identifying the type of chemical present.

The Resource Development Coordinating Committee ("RDCC"), the Uintah Basin Association of Governments, and the Uintah County Commission were contacted on October 29, 2008, and the following comments were received from the Division of Air Quality and the Utah Geological Survey:

**Division of Air Quality:**

*"This proposal may require a permit, known as an Approval Order, from the Executive Secretary of the Air Quality Board if any compressor or pump stations are constructed at the site. If a permit is required, a permit application, known as a Notice of Intent (NOI), should be submitted to the Executive Secretary at the Utah Division of Air Quality at 150 North 1950 West, Salt Lake City, Utah 84116, for review according to R307-401: Permit: Notice of Intent and Approval Order, of the Utah Air Quality Rules. The guidelines for preparing a NOI are available on-line at: <http://www.airquality.utah.gov/Permits/FORMS/NOIGuide8.pdf>.*



**SPECIAL USE LEASE AGREEMENT NO. 1616 (APPROVAL) (CONTINUED)**

*"In addition, the project is subject to R307-205-5, Fugitive Dust, since the project could have a short-term impact on air quality due to the fugitive dust that could be generated during the excavation and construction phases of the project. An Approval Order is not required solely for the control of fugitive dust, but steps need to be taken to minimize fugitive dust, such as watering and/or chemical stabilization, providing vegetative or synthetic cover, or windbreaks. A copy of the rules may be found at: [www.rules.utah.gov/publicat/code/r307/r307.htm](http://www.rules.utah.gov/publicat/code/r307/r307.htm)."*

**Utah Geological Survey:**

*"There are known significant vertebrate fossil localities recorded in our files in or near this project area, and the Eocene Uinta Formation exposed here has the potential for yielding additional significant vertebrate fossil localities. The Office of the State Paleontologist, therefore, recommends a paleontological survey be conducted for this project and its easements by a paleontologist with a valid permit."*

An archaeology survey was completed by Montgomery, Project No. U-06-MQ-1710. No archeological sites were identified. The Trust Lands Administration's staff archaeologist concurs with a finding of "No Historic Properties Affected."

A paleontological survey was conducted on September 17, 2008, by Stephen D. Sandau, paleontologist for Intermountain Paleo-Consulting. The report is dated October 29, 2008, Report # 08-239. No vertebrate fossils were found in the project area; therefore, it is recommended that no paleontological restrictions be placed on the development of the project. If fossil material is discovered during project development, a qualified paleontologist should be contacted to evaluate the discovery. This requirement is addressed in Paragraph Number 9 of the lease agreement.

**EVALUATION OF FACTS:**

Competing applications were solicited pursuant to R850-30-500(2) and no competing applications were received. The lease would have a clause providing for escalation of the annual rental at the end of each five (5) year period utilizing the Board approved index.

This action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Kurt Higgins, the Director approved the issuance of SULA 1616 with a beginning base rental of \$2,000.00. The term of the lease will be 10 years, with a five-year rental review pursuant to R850-30-400.

**SPECIAL USE LEASE AGREEMENT NO. 1619 (APPROVAL)****APPLICANT'S NAME AND ADDRESS:**

Kerr-McGee Oil & Gas Onshore LP  
 1368 South 1200 East  
 Vernal, Utah 84078

APPLICATION TYPE: INDUSTRIAL

TERMS: 10 years

BEGINNING DATE: January 1, 2009

ENDING DATE: December 31, 2018

FIRST YEAR RENTAL: \$2,000.00

APPLICATION FEE: 250.00

PROCESSING FEE: 700.00

ADVERTISING FEE: 130.50

TOTAL SUBMITTED: \$3,080.50

NEXT REVIEW DATE: January 1, 2014

**LEGAL DESCRIPTION:**

Township 10 South, Range 23 East, SLB&M  
 Section 2: S1/2SW1/4 (within)

Beginning at a point in the SE¼SW¼ of Section 2, T10S, R23E, SLB&M, which bears N 73°10'13" W 1035.15 ft from the South Quarter Corner of said Section 2; thence S 11°01'32" W 163.44 ft; thence N 87°40'02" W 311.04 ft; thence N 20°57'09" W 215.89 ft; thence N 83°41'31" E 441.87 ft; thence S 11°01'32" W 104.33 ft to the point of beginning. Basis of bearings is a G.P.S. observation. Contains 2.004 acres more or less.

COUNTY: Uintah

ACRES: 2.00

FUND: School

**PROPOSED ACTION:**

The applicant proposes to construct, operate, and maintain an oil field storage yard. The yard will be used to store chemicals, pipe, pipe fittings, flow back equipment, and other machinery while operations continue in the Natural Buttes, Love, and Bonanza areas.

**RELEVANT FACTUAL BACKGROUND:**

The proposed project will consist of the storage area which will be fenced but will not be locked due to high traffic of contractors to and from the site. The chemicals on site will be protected by a berm and signs identifying the type of chemical present.

The Resource Development Coordinating Committee ("RDCC"), the Uintah Basin Association of Governments, and the Uintah County Commission were contacted on October 29, 2008, and the following comments were received:

**Division of Air Quality:**

*"If a permit is required, a permit application, known as a Notice of Intent (NOI), should be submitted to the Executive Secretary at the Utah Division of Air Quality at 150 North 1950 West, Salt Lake City, Utah 84116, for review according to R307-401: Permit: Notice of Intent and Approval Order, of the Utah Air Quality Rules. The guidelines for preparing a NOI are available on-line at: <http://www.airquality.utah.gov/Permits/FORMS/NOIGuide8.pdf>.*

**SPECIAL USE LEASE AGREEMENT NO. 1619 (APPROVAL) (CONTINUED)**

*"In addition, the project is subject to R307-25-5, Fugitive Dust, since the project could have a short-term impact on air quality due to the fugitive dust that could be generated during the excavation and construction phases of the project. An Approval Order is not required solely for the control of fugitive dust, but steps need to be taken to minimize fugitive dust, such as watering and/or chemical stabilization, providing vegetative or synthetic cover, or windbreaks. A copy of the rules may be found at: [www.rules.utah.gov/publicat/code/r307/r307.htm](http://www.rules.utah.gov/publicat/code/r307/r307.htm)"*

**Utah Geological Survey:**

*"There are known significant vertebrate fossil localities recorded in our files in or near this project area, and the Eocene Uinta Formation exposed here has the potential for yielding additional significant vertebrate fossil localities. The Office of the State Paleontologist, therefore, recommends a paleontological survey be conducted for this project and its easements by a paleontologist with a valid permit."*

An archaeology survey was completed by Montgomery, Project No. U-03-MQ-0883s. No archeological sites were identified. The Trust Lands Administration's staff archaeologist concurs with a finding of "No Historic Properties Affected."

A paleontological survey was conducted on July 31, 2008, by Stephen D. Sandau, paleontologist for Intermountain Paleo-Consulting. The report is dated October 2, 2008, Report # 08-183. No vertebrate fossils were found in the project area; therefore, it is recommended that no paleontological restrictions be placed on the development of the project. If fossil material is discovered during project development, a qualified paleontologist should be contacted to evaluate the discovery. This requirement is addressed in Paragraph Number 9 of the lease agreement.

**EVALUATION OF FACTS:**

Competing applications were solicited pursuant to R850-30-500(2) and no competing applications were received. The lease will have a clause providing for escalation of the annual rental at the end of each five (5) year period utilizing the Board approved index.

This action qualifies as an exclusion to the narrative record of decision process because it does not warrant the time and expense necessary to complete a full narrative record. Therefore, this summary will constitute the record of decision.

Upon recommendation of Mr. Kurt Higgins, the Director approved the issuance of SULA 1619 with a beginning base rental of \$2,000.00. The term of the lease will be 10 years, with a five-year rental review pursuant to R850-30-400.

**SPECIAL USE LEASE AGREEMENT NO. 962 (RENTAL INCREASE POSTPONEMENT REVIEW)**

SULA 962 is a commercial lease issued to Alan and Valerie Brown dba Bar-M-Chuckwagon, P.O. Box 724, Moab, UT 84532. The subject property is located in Grand County and is used for a live western show and cowboy supper. The lease provides for rental adjustments every (3) three years. The three-year review date for this lease was February 1, 2008. At that time, the Trust Lands Administration completed the review and notified the lessee of its intent to exercise the option to increase the rent as provided in the lease from \$3,150.00 to \$9,100.00. However, it was decided to postpone the rental increase until February 1, 2009, because the lessee expressed interest in purchasing or exchanging the subject property. After a review and evaluation of the request, the Trust Lands administration decided it was not in the best interest of its Beneficiaries to sell or exchange the subject property and informed the lessee of that decision. The lessee subsequently informed agency staff of its desire to keep the lease as is. However, the new lease payment will be \$6,020.00 instead of \$9,100.00 because the prime rate dropped dramatically since the February 1, 2008, review. School fund.

Upon recommendation of Mr. Bryan Torgerson, the Director approved the postponement review for SULA 962.

**SPECIAL USE LEASE AGREEMENT NO. 763-A (ASSIGNMENT)**

Pursuant to R850-30-900, Ernest Virgil Anderson, 4792 Paradise Canyon Rd., Apple Valley, UT 84737, has requested permission to assign 100% of his interest in the above-referenced special use lease to E. Virgil Anderson and Daniel John Anderson, as Trustees of the E. Virgil Anderson Living Trust, c/o 13890 S. Buck Hollow, Bluffdale, UT 84065. The lease is up to date with the current lease form and the assignee is acceptable to the Agency; therefore, the conditions outlined in R850-30-900(6) have been met. The \$250.00 assignment fee has been submitted. Washington County. School Fund.

Upon recommendation of Mr. Lou Brown, the Director approved the assignment of SULA 763-A.

**SPECIAL USE LEASE AGREEMENT NO. 987 (THREE-YEAR REVIEW)**

SULA 987 is leased to the City of St. George, Attn: Scott Taylor, 175 E. 200 N., St. George, UT 84770. This is a governmental lease in Washington County. School Fund.

1. **ANNUAL RENTAL:**

The three-year review date for this lease is May 1, 2009. The subject property is used for a water storage tank site. Based on an analysis of the lease rental pursuant to Board policy, it has been determined that an appraisal is not warranted. The CPI adjusted rental is greater than the preliminary market value rental estimate. Therefore, it is recommended that the CPI index be used to adjust the annual rental from \$2,890.00 per year to \$3,260.00 per year, effective May 1, 2009. A certified notice was sent to inform the lessee of the date of this action and the right to oppose and/or appeal the action. No response was received.

New lease fee: \$3,260.00

Acres in lease: 1.00

Rental per acre: \$3,260.00

2. **DUE DILIGENCE:**

The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

3. **PROPER USE:**

The leased premises are being used in accordance with the lease agreement.

4. **ADEQUATE INSURANCE AND BOND COVERAGE:**

The lessee has provided proof of insurance as required by the lease. The lease allows for a bond to be required any time during the lease at the discretion of the Agency. A bond has not been required at this time.

5. **ESTABLISHMENT OF WATER RIGHTS:**

There are no water rights associated with this lease which are vested with the Agency. The water rights associated with the water tank are municipal rights owned by the City of St. George.

6. **POLLUTION AND SANITATION REGULATIONS:**

The Trust Lands Administration is unaware of any violations of valid sanitation and pollution regulations as prescribed by any governmental agency having jurisdiction. There is no evidence of underground storage tanks on the premises.

7. **NEXT ASSESSMENT DATE:**

The next assessment date will be May 1, 2012.

Upon recommendation of Mr. Lou Brown, the Director approved the three-year review for SULA 987.

**SPECIAL USE LEASE AGREEMENT NO. 1076 (ANNUAL REVIEW)**

SULA 1076 is a governmental lease issued to the Grand County Council, 125 East Center St., Moab, UT 84532. Grand County. School Fund.

1. **ANNUAL RENTAL:**

The annual review date for this lease is April 1, 2009. The subject property is used for a recreational bike trail and camping facilities in conjunction with the Sand Flats Recreation Area and Slick Rock Bike Trail. Based on an analysis of lease rental pursuant to Board policy, and the fact that this land is included within the Recreational Land Exchange bill, which is expected to pass, it has been determined that an appraisal is not warranted. Therefore, it is recommended that the CPI index be used to adjust the annual rental which will be increased from \$7,750.00 per year to \$8,220.00 per year effective April 1, 2009. A certified notice was sent to inform the lessee of the date of this action and the right to oppose and/or appeal the action. No response was received.

New lease fee: \$8,220.00

Acres in lease: 1,384.40

Rental per acre: \$5.94

2. **DUE DILIGENCE:**

The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

3. **PROPER USE:**

The leased premises are being used in accordance with the lease agreement.

4. **ADEQUATE INSURANCE AND BOND COVERAGE:**

The lessee has provided proof of insurance as required by the lease. The lease allows for a bond to be required any time during the lease at the discretion of the Agency. It has been determined that a bond is not required at this time.

5. **ESTABLISHMENT OF WATER RIGHTS:**

There are no water rights associated with this lease.

6. **POLLUTION AND SANITATION REGULATIONS:**

The Trust Lands Administration is unaware of any violations of valid sanitation and pollution regulations as prescribed by any governmental agency having jurisdiction. There is no evidence of underground storage tanks on the premises.

7. **NEXT ASSESSMENT DATE:**

The next assessment date will be April 1, 2010.

Upon recommendation of Mr. Lou Brown, the Director approved the annual review for SULA 1076.

**SPECIAL USE LEASE AGREEMENT NO. 1269 (THREE-YEAR REVIEW)**

SULA 1269 is leased to Lloyd J. Mecham, 580 West Hale Ave., Moab, UT 84532. This is a residential cabin site lease in San Juan County. University Fund.

1. **ANNUAL RENTAL:**

The three-year review date for this lease is May 1, 2009. The subject property is used for a cabin site. Based on an analysis of the lease rental pursuant to Board policy, it has been determined that an appraisal is not warranted. The CPI adjusted rental is greater than the preliminary market value rental estimate. Therefore, it is recommended that the CPI index be used to adjust the annual rental from \$1,158.00 per year to \$1,310.00 per year, effective May 1, 2009. A certified notice was sent to inform the lessee of the date of this action and the right to oppose and/or appeal the action. No response was received.

New lease fee: \$1,310.00

Acres in lease: 10.00

Rental per acre: \$131.00

2. **DUE DILIGENCE:**

The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

3. **PROPER USE:**

The leased premises are being used in accordance with the lease agreement.

4. **ADEQUATE INSURANCE AND BOND COVERAGE:**

The lessee has provided proof of insurance as required by the lease. The lease allows for a bond to be required any time during the lease at the discretion of the Agency. A bond has not been required at this time.

5. **ESTABLISHMENT OF WATER RIGHTS:**

Water Right Number 05-3095 in the name of the Trust Lands Administration is associated with this lease. This water right is for stock watering and the domestic use of one family.

6. **POLLUTION AND SANITATION REGULATIONS:**

The Trust Lands Administration is unaware of any violations of valid sanitation and pollution regulations as prescribed by any governmental agency having jurisdiction. There is no evidence of underground storage tanks on the premises.

7. **NEXT ASSESSMENT DATE:**

The next assessment date will be May 1, 2012.

Upon recommendation of Mr. Lou Brown, the Director approved the three-year review for SULA 1269.

**SPECIAL USE LEASE AGREEMENT NO. 1273 (THREE-YEAR REVIEW)**

SULA 1273 is leased to Robert Holt Farms, Inc., P.O. Box 130, Enterprise, UT 84725-0130. This is an agricultural lease in Millard County. Reservoirs Fund.

1. **ANNUAL RENTAL:**

The three-year review date for this lease is April 1, 2009. The subject property is used for crop production. Based on an analysis of the lease rental pursuant to Board policy, it has been determined that an appraisal is not warranted. The CPI adjusted rental is greater than the preliminary market value rental estimate. Therefore, it is recommended that the CPI index be used to adjust the annual rental from \$5,700.00 per year to \$6,010.00 per year, effective April 1, 2009. A certified notice was sent to inform the lessee of the date of this action and the right to oppose and/or appeal the action. No response was received.

New lease fee: \$6,010.00

Acres in lease: 480.00

Rental per acre: \$12.52

2. **DUE DILIGENCE:**

The development allowed by the lease has occurred. It is recommended that the lease be kept in force.

3. **PROPER USE:**

The leased premises are being used in accordance with the lease agreement.

4. **ADEQUATE INSURANCE AND BOND COVERAGE:**

The lessee has adequate insurance coverage and an inspection of the subject property revealed nothing on the subject property which indicated a need for a bond.

5. **ESTABLISHMENT OF WATER RIGHTS:**

There are no water rights associated with this lease.

6. **POLLUTION AND SANITATION REGULATIONS:**

The Trust Lands Administration is unaware of any violations of valid sanitation and pollution regulations as prescribed by any governmental agency having jurisdiction. There is no evidence of underground storage tanks on the premises.

7. **NEXT ASSESSMENT DATE:**

The next assessment date will be April 1, 2012.

Upon recommendation of Mr. Ron Torgerson, the Director approved the three-year review for SULA 1273.

**SALES**

**ISSUANCE OF PATENT**

An amended patent has been issued for the following property. Records should be noted.

PRE SALE NO.: 7951

CERTIFICATE OF SALE NO.: 25663

SALE DATE: October 4, 2002

PATENT NO.: 20125

PATENT DATE: October 13, 2008

AMENDED PATENT DATE: December 3, 2008

ISSUED TO:

LESLIE E. DEAN

3987 Crescent Avenue

Riverside, California 92501

LEGAL DESCRIPTION:

Township 34 South, Range 2 West, SLB&M

Section 22: Block 14, Lot 1, Widstoe Townsite

After Patent No. 20125 was issued on October 13, 2008, and sent to the purchaser, it was discovered that the designation “**Widstoe Townsite**” was omitted from the legal description. That error was corrected in the Amended Patent.

ACRES: 1.00, m/l

COUNTY: Garfield

FUND: School

*This item was submitted by Ms. Carney for record-keeping purposes.*



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**DEVELOPMENT ACTIONS**

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**DEVELOPMENT SUBDIVISION SALE**

THE FOLLOWING SALE HAS BEEN EXECUTED AND A PATENT ISSUED FOR:

SUBD 13.0 Villas at Hidden Valley Second Amended and Extended.

This transaction has been executed pursuant to Development Lease DEVL 754.

**LEGAL DESCRIPTION: (SUBDIVISION)**

Section 18, Township 43.0 S, Range 15.0 W, SLBM

**PURCHASER:**

IVORY SOUTHERN, LLC  
3143 SOUTH 840 EAST  
SAINT GEORGE, UT 84790

**LOT SALE DESCRIPTION:**

Desc /	Certificate #	Cert/Sale Dt	Patent #	Patent Dt	Lot Price	Fee	Acreage	Fund	Section
Lot 3	26418-13-3	01/08/09	19991-13-3	02/12/08	\$42,889.00	\$100.00	0.05	SCH	18

**LIST MINERAL RESERVATIONS:**

Subject to a reservation to the State of all coal and other mineral deposits along with the right for the State or other authorized persons to prospect for, mine, and remove the deposits.

**LIST SURFACE RESERVATIONS:**

Subject to an easement across the property for utilities as shown on the recorded plat map; also,

Subject to any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by the United States as provided by statute; also,

Subject to the Covenants, Conditions, and Restrictions that have been recorded for the subdivision.

*This item was submitted for record-keeping purposes by Andrea L. James.*

**CORRECTION OF RIGHT OF ENTRY 5255 - CITY OF ST. GEORGE**

IN THE DIRECTOR'S MINUTES OF NOVEMBER 3, 2008, PAGES 27 THROUGH 28, THE **EXPIRATION** DATE WAS REPORTED INCORRECTLY AND HAS BEEN CORRECTED AS SHOWN BELOW IN BOLD:

RIGHT OF ENTRY NO.: 5255  
 PROJECT: South Block  
 PROJECT CODE: SOBLK 000 00  
 PROJECT MANAGER: Brent Bluth  
 DATE OF TRANSACTION: September 29, 2008  
 COUNTY: Washington  
 FUND: School  
 COMMENCEMENT: September 29, 2008  
**EXPIRATION: January 8, 2011**  
 ADMINISTRATION FEE: \$350.00

## PERMITTEE:

DIXIE ESCALANTE ELECTRIC  
 71 E. Highway 56  
 Beryl, UT 84714

## DESCRIPTION OF TRANSACTION:

The Trust Lands Administration has issued a temporary easement for the construction to remove an existing power line because it traverses ideal Astragalus habitat, and relocate the power line in this low impact area (the "Permitted Property"). The construction is to be completed before an intended land trade between the BLM and the Trust Lands of this and other lands, and the existing power line poles are to be removed no later than October 31, 2008.

## LEGAL DESCRIPTION:

Township 43 South, Range 16 West, SLB&M  
 Section 26: Within

BEGINNING AT A POINT APPROXIMATELY 1898 FEET NORTH 42°43'15" EAST FROM THE SOUTH - WEST CORNER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN; PROCEEDING THENCE SOUTH 1°30'23" EAST, 914 FEET; THENCE SOUTH 29°4'7" WEST, 572.45 FEET; TO A POINT ON THE SOUTH SECTION LINE OF SAID SECTION 26. CONTAINING 1.71 ACRES, MORE OR LESS.

and

Township 43 South, Range 16 West, SLB&M  
 Section 35: Within

BEGINNING AT A POINT APPROXIMATELY 1033.9 FEET SOUTH 88°55'8" EAST FROM THE NORTH - WEST CORNER OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT LOCATED ON NORTH SECTION LINE OF SAID SECTION; PROCEEDING THENCE SOUTH 29°4'7" WEST, 1194.2 FEET; THENCE SOUTH 34°32'41" WEST, 776.1 FEET TO A POINT ON THE WEST SECTION LINE OF SAID SECTION 35. CONTAINING 2.26 ACRES, MORE OR LESS.

Contains a total of 3.97 acres, more or less.

**CORRECTION OF RIGHT OF ENTRY 5255 - CITY OF ST. GEORGE (CONTINUED)**

NUMBER OF ACRES BY COUNTY: 3.97 acres - Washington County

NUMBER OF ACRES BY FUND: 3.97 acres - School

*This item was submitted by Andrea L. James for record-keeping purposes.*

**CORRECTION OF DEVELOPMENT SALE - CORAL CANYON (PS 8451)**

IN THE DIRECTOR'S MINUTES OF JANUARY 5, 2009, PAGES 23 THROUGH 25, THE **TOWNSHIP** WAS REPORTED INCORRECTLY AND HAS BEEN CORRECTED AS SHOWN BELOW IN BOLD:

CERTIFICATE OF SALE NO.:	26491
CERT/DATE OF SALE:	December 23, 2008
PATENT NO.:	20133
PATENT DATE:	December 8, 2008
PROJECT:	Coral Canyon Commercial Hurricane
PROJECT MANAGER:	Doug Buchi
PROJECT CODE:	SUNCR 002 02
FUND:	Miners Hospital
ACREAGE:	2.28
LOT SALE PRICE:	\$457,554.24
PROCESSING FEE:	\$20.00
AMOUNT RECEIVED:	\$457,574.24

CONTRACT PARTNER:  
 SUNCOR UTAH  
 2303 N. Coral Canyon Boulevard, Suite 200  
 St. George UT 84770

LEGAL DESCRIPTION:  
**Township 42 South, Range 14 West, SLB&M**  
 Sections: 4 & 5 (within)

Beginning at a point which is South 00°22'33" West 46.33 feet along the West section line and North 90°00'00" West 10.56 feet from the Northwest corner of Section 4, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running thence South 67°20'54" East 464.35 feet to a point of non-tangency on the arc of a 257.60 foot radius curve to the left from which the radius point bears South 68°29'30" East, said point being on the apparent centerline of a graded wash; thence along said wash centerline through the following two (2) courses: Southwesterly along the arc of said curve 79.95 feet through a central angle of 17°46'58" to a point of non-tangency the radius point of which bears South 86°16'28" East; thence South 32°27'35" West 92.62 feet to a point on the Northerly Right-of-Way of Canyon Cliffs Blvd., recorded as Document # 20080025120 on June 19, 2008, in the office of the Washington County Recorder, in said County, in the State of Utah, said point also being a point of non-tangency on the arc of a 527.50 foot radius curve to the left the radius point of which bears South 25°05'09" West; thence Northwesterly along said Northerly Right-of-Way and along the arc of said curve 174.92 feet through a central angle of 18°59'56" to a point of tangency; thence continuing along said Northerly Right-of-

**CORRECTION OF DEVELOPMENT SALE - CORAL CANYON (PS 8451) (CONTINUED)**

Way North 83°54'47" West 259.53 feet to the point of curvature of a 25.00 foot radius curve to the right, thence Northwesterly along the arc of said curve 41.19 feet through a central angle of 94°23'44" to a point of compound curvature of a 710.00 foot radius curve to the right, the radius point of which bears South 79°31'03" East, said point also being on the Easterly Right-of-Way of Foothills Canyon Dr.; thence Northeasterly along the arc of said curve and along said Easterly Right-of-Way 247.82 feet through a central angle of 19°59'56" to the point of beginning.

Contains 2.28 acres, more or less.

NUMBER OF ACRES BY COUNTY: 2.28 acres - Washington County

NUMBER OF ACRES BY FUND: 2.28 acres - Miners Hospital

**LIST MINERAL RESERVATIONS:**

Excepting and reserving all coal and other mineral deposits (other than oil and gas, which was previously reserved to the United States) along with the right for the State or other authorized persons to prospect for, mine, and remove the deposits.

**LIST SURFACE RESERVATIONS:**

Reserving to grantor the entire interest of the grantor in the mineral estate in the lands so conveyed and dedicated. The foregoing dedication is subject to the provisions of that certain Acquisition Agreement entered into between Coral Canyon Special Service District (the "District") and SunCor Development Company ("SunCor") dated as of October 24, 2001, (the "Acquisition Agreement"), by which the District is to acquire the property (as defined in the Acquisition Agreement) from SunCor, in accordance with the provisions of the Acquisition Agreement, as set forth in the Owners Dedication of said proposed Plat; also,

Subject to any valid, existing easement or rights of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by authority of the United States as provided by Statute; also,

Subject to liability to assessments levied by Washington County for Ash Creek Special Service District, for the purposes of Annexing certain properties into the Ash Creek Special Service District, as disclosed by Resolution recorded October 16, 1985, as Entry No. 283078, in Book 390, at Pages 907-916, Official Washington County Records (affects this and other property); also,

Subject to the location of the following Easements:

- a) A 10.00 foot Public Utility Easement along all roadways.
- b) A 38.00 foot wide drainage easement along the Southerly boundary line of the above described property, said boundary line also being the Northerly right of way of Canyon Cliffs Blvd.
- c) A 30.00 foot wide ingress/egress easement for access to all adjacent parcels being 15.00 feet on either side of the Northerly property line.
- d) Open Space Area.
- e) All other physical data and plat notes, as set forth on the ALTA/ACSM Land Title Survey prepared by Alliance Consulting, under date of November 20, 2008, Job No. 4010; also,

**CORRECTION OF DEVELOPMENT SALE - CORAL CANYON (PS 8451) (CONTINUED)**

Subject to the following Survey Notes:

- a) The property herein described does not fall within a designated FEMA flood zone area.

MINERAL LEASES CANCELED: None

SURFACE LEASES CANCELED: None

*This item was submitted by Andrea James for record-keeping purposes.*

**CORRECTION OF DEVELOPMENT SUBDIVISION SALE**

IN THE DIRECTOR'S MINUTES OF JANUARY 5, 2009, PAGES 25 THROUGH 26, THE **LOT** UNDER LOT SALE DESCRIPTION WAS REPORTED INCORRECTLY AND HAS BEEN CORRECTED AS SHOWN BELOW IN BOLD:

SUBD 10.0 Highland Park Phase 1 Subdivision

This transaction has been executed pursuant to Development Lease DEVL 610.

**LEGAL DESCRIPTION: (SUBDIVISION)**

Section 18, Township 42.0 S, Range 14.0 W, SLBM

Section 7, Township 42.0 S, Range 14.0 W, SLBM

**PURCHASER:**

GOLDEN HERITAGE HOMES, INC.

2303 N. CORAL CANYON BLVD. SUITE 200

ST. GEORGE, UT 84780

**LOT SALE DESCRIPTION:**

Desc /	Certificate #	Cert/Sale Dt	Patent #	Patent Dt	Lot Price	Fee	Acreage	Fund	Section
<b>Lot 203</b>	26377-10-203	12/22/08	19928-10-203	07/07/06	\$25,503.60	\$20.00	0.30	SCH	7

**LIST MINERAL RESERVATIONS:**

Subject to a reservation to the State of all coal and other mineral deposits along with the right for the State or other authorized persons to prospect for, mine, and remove the deposits.

**LIST SURFACE RESERVATIONS:**

Subject to an easement across the property for utilities as shown on the recorded plat map; also,

Subject to any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by the United States as provided by statute.

Subject to the Covenants, Conditions, and Restrictions that have been recorded for the subdivision.

*This item was submitted for record-keeping purposes by Andrea James.*

**CORRECTION OF DEVELOPMENT SUBDIVISION SALE**

IN THE DIRECTOR'S MINUTES OF JANUARY 5, 2009, PAGE 26, THE **LOT** UNDER LOT SALE DESCRIPTION WAS REPORTED INCORRECTLY AND HAS BEEN CORRECTED AS SHOWN BELOW IN BOLD:

SUBD 12.0 Estates at Hidden Valley Phase 1

This transaction has been executed pursuant to Development Lease DEVL 754.

## LEGAL DESCRIPTION: (SUBDIVISION)

Section 18, Township 43.0 S, Range 15.0 W, SLBM

## PURCHASER:

IVORY SOUTHERN, LLC  
3143 SOUTH 840 EAST  
SAINT GEORGE, UT 84790

## LOT SALE DESCRIPTION:

Desc /	Certificate #	Cert/Sale Dt	Patent #	Patent Dt	Lot Price	Fee	Acreage	Fund	Section
<b>Lot 6</b>	26417-12-6	12/22/08	19989-12-6	01/31/07	\$37,500.00	\$100.00	0.16	SCH	18

## LIST MINERAL RESERVATIONS:

Subject to a reservation to the State of all coal and other mineral deposits along with the right for the State or other authorized persons to prospect for, mine, and remove the deposits.

## LIST SURFACE RESERVATIONS:

Subject to an easement across the property for utilities as shown on the recorded plat map; also,

Subject to any valid, existing rights of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by the United States as provided by statute; also,

Subject to the Covenants, Conditions, and Restrictions that have been recorded for the subdivision.

*This item was submitted for record-keeping purposes by Andrea L. James.*

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## ACTIONS CONTAINING FEE WAIVERS

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NONE